THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.102 of 2006

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Dated:03.01.2006

Between:

M.Yellaiah, S/o.Narasanna, 65 years,

Ex-serviceman, R/o.D.No.1-5-24,

Fisherman Colony, MVP Colony,

Visakapatnam.

..... PETITIONER

AND

The Visakhapatnam Urban Development Authority,

Visakhapatnam, rep. By its Vice Chairman/Managing Director,

Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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ORDER:

The petitioner is an Ex-serviceman, and he was assigned an extent of Acs.5.00 of land comprised in Survey No.354/1 of Madhurawada Village, Visakhapatnam District, by way of D-Form patta, dated 28.05.1982. The petitioner was put in possession and has been enjoying the property after obtaining pattadar passbooks issued by the second respondent. It appears, the second respondent cancelled the entries in the record of rights, and aggrieved by the same, the petitioner preferred an appeal before the Commissioner of Appeals, Hyderabad, who by order dated 30.07.2005, set aside the orders of the Mandal Revenue Officer and gave liberty to the petitioner to file an appeal under sub-Section (5) of Section 5 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971. Accordingly, the petitioner filed an appeal

and the same is pending. It is alleged that in the last week of December 2005, some officials claiming to be the staff of respondent Nos.1 and 2 came to the land and threatened to dispossess the petitioner without following due process of law. Therefore, the present writ petition is filed, *inter alia,* seeking a direction to the respondents not to dispossess the petitioner except in accordance with law.

Initially the matter was heard before the lunch recess. The matter was passed over to enable the learned Standing Counsel for the Visakhapatnam Urban Development Authority (VUDA), and the learned Assistant Government Pleader for Revenue (General) to get instructions in the matter. After lunch recess, both the learned Counsel appearing for the contesting respondents deny the allegation that the officials of the revenue or VUDA have gone to the petitioner's premises/land and tried to dispossess the same. The same is recorded. Further, this Court observes that if for any reason, the assignment made in favour of the petitioner is found to be in contravention of any law or Board Standing Orders, the petitioner can be dispossessed only after following due process of law, and till then, the petitioner cannot be deprived of the right to enjoy the property.

The Writ Petition, with the above observation, is disposed of. No costs.

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(V.V.S.RAO, J)

03.01.2006

Note: Issue C.C by 05.01.2006.

B/o.

Vs